



**JEFFREY M. NELSON**  
**Chief Legal Officer**

Office of Regulatory Staff  
1401 Main Street  
Suite 900  
Columbia, SC 29201  
(803) 737-0800  
ORS.SC.GOV

July 21, 2021

**VIA ELECTRONIC FILING**

Jocelyn G. Boyd, Esquire  
Chief Clerk & Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive, Suite 100  
Columbia, South Carolina 29210

RE: Petition for Declaratory Order with Verification of Orangeburg County Solar Project, LLC and Orangeburg South Solar Project, LLC both Wholly Owned Subsidiaries of Savion, LLC  
**Docket No. 2021-114-E**

Dear Ms. Boyd:

By this letter, the South Carolina Office of Regulatory Staff ("ORS") hereby notifies the Public Service Commission of South Carolina ("Commission") that ORS has reviewed the filing submitted by Orangeburg County Solar Project, LLC and Orangeburg South Solar Project, LLC ("Petitioners") requesting a Declaratory Order that the Orangeburg County Solar Project and the Orangeburg South Solar Project ("Projects") do not meet the definition of a major utility facility as defined in S.C. Code § 58-33-20, and are therefore not required to obtain a Certificate of Environmental Compatibility and Public Convenience and Necessity ("Certificate") pursuant to S.C. Code § 58-33-10 et seq. ("Siting Act") ("Petition").

**Overview of the Petition**

The Petitioners request the Commission issue a Declaratory Order confirming that:

- (a) The Projects do not meet the definition of a major utility facility, as defined in the Siting Act, because each project will operate at a capacity less than seventy-five (75) megawatts ("MW");
- (b) The Projects do not meet the definition of a major utility facility, as defined in the Siting Act, merely because they will share a single 200-foot 230 kilovolt ("kV") generation tie line; and,

- (c) Because the Projects do not meet the definition of a major utility facility, as defined in the Siting Act, the Petitioners are not required to obtain a Certificate pursuant to the Siting Act.

The Siting Act defines a “major utility facility” as “(a) electric generating plant and associated facilities designed for, or capable of, operation at a capacity of more than seventy-five megawatts, and (b) an electric transmission line and associated facilities of a designed operating voltage of one hundred twenty-five kilovolts or more.”<sup>1</sup>

The Petitioners state “[e]ach project will consist of a single electric generation facility designed to operate at a limited capacity, producing less than seventy-five megawatts.”<sup>2</sup> Additionally, the Petitioners seek to construct a generation tie line for the purpose of interconnection of the Projects to the South Carolina Public Service Authority’s (“Santee Cooper”) Mill Branch 230 kV Switching Station. The Petition states that the generation tie line “will be approximately 200 feet in length, and it will be located entirely within the Orangeburg County Solar Project site. The [generation tie] line will be maintained by the Orangeburg County Solar Project, LLC.”<sup>3</sup> The Project Substation will be located in the Orangeburg County Solar Project site, and the Orangeburg South Solar Project will electrically connect to the substation through a medium voltage (34.5 kV) collection system. The electrical concept diagram for the Projects was filed with the Commission as Exhibit A to the Petition.

### **ORS’s Review**

ORS issued discovery to the Petitioners to verify the details included in the Petition and to obtain additional information regarding the Projects. ORS independently verified the details included in the Petition through publicly available information such as the Projects’ interconnection queue positions with Santee Cooper, and the Projects’ Qualifying Facility (“QF”) filings with the Federal Energy Regulatory Commission (“FERC”).

#### **1. Operational Capacity of the Projects**

The Petitioners state each Project will operate at a “limited” capacity of less than seventy-five (75) MW. Consequently, the Petitioners assert that since the capacity does not exceed the threshold of seventy-five (75) MW, the Projects do not meet the definition of a “major utility facility” as defined in the Siting Act.

The Petitioners provided detailed specifications regarding the operational capacity of the Projects in response to ORS’s discovery and ORS verified the details with the following public documentation related to the Projects:

---

<sup>1</sup> S.C. Code § 58-33-20(2)

<sup>2</sup> Petition p.4, section 5.

<sup>3</sup> Petition p.4, section 6.

- (a) The Petition states the Projects are in the Santee Cooper's interconnection queue at positions #70 and #110.<sup>4</sup> Santee Cooper's Generation Interconnection Queue<sup>5</sup> indicates the capacity at which the Projects will be interconnected at these queue positions will not exceed seventy-five (75) MW of AC power ("MWac").
- (b) The Petitioners filed the requisite Forms 556 with FERC to certify the Projects as QFs.<sup>6</sup> The Form 556 for each Project indicates the maximum net power production capacity of the Projects will not exceed seventy-five (75) MWac.

Additionally, ORS issued discovery to obtain clarification regarding the Petitioners' inclusion of the language "designed to operate at a limited capacity" in the Petition.<sup>7</sup> The Petitioners responded that the solar photovoltaic inverters of both Projects are equipped with a real power curtailment function that will prevent either Project from exporting active power over seventy-five (75) MWac. The Petitioners assert this active power setting will only be accessible to the inverter vendor engineers or authorized service providers with the express written consent of the host utilities.

## **2. Operating Voltage of the Generation Tie Line**

The Petitioners seek to construct a generation tie line with an operating voltage of 230 kV. Based on the Petitioners response to ORS's discovery, ORS understands that a generation tie line with a lower voltage could not be used to interconnect the Projects to Santee Cooper's transmission line which is rated at 230 kV. Additionally, in response to ORS's discovery, the Petitioners stated the length of the generation tie line has been limited to the maximum extent practicable.

### **ORS's Recommendations**

Based on the review of the aforementioned information, if the Commission issues an Order confirming that the Projects do not meet the definition of a major utility facility as defined in the Siting Act, ORS recommends the Commission provide in the Order that:

- (a) In accordance with the Siting Act, the Petitioners are required to apply for a Certificate if they increase the capacity of either of the Projects beyond the seventy-five (75) MW threshold in the future; and,
- (b) The Commission's determination is specific to this Petition and does not establish precedent for future requests of a similar nature.

---

<sup>4</sup> Petition p.3, section 3.

<sup>5</sup> Santee Cooper's Generation Interconnection Queue: [https://www.oasis.oati.com/woa/docs/SC/SCdocs/Generation\\_Queue\\_6-2-2021.pdf](https://www.oasis.oati.com/woa/docs/SC/SCdocs/Generation_Queue_6-2-2021.pdf)

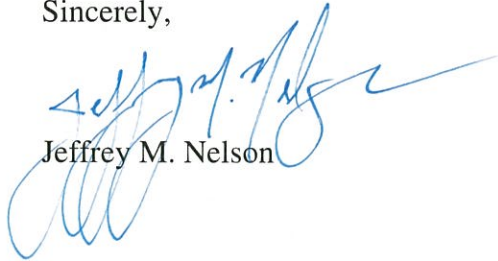
<sup>6</sup> Forms 556 for Orangeburg County Solar Project and Orangeburg South Solar Project were filed with the Commission in Dockets ND-2020-23-E and ND-2020-24-E respectively.

<sup>7</sup> Petition p.4, section 5.



Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey M. Nelson", is written over the printed name. The signature is fluid and cursive.

Jeffrey M. Nelson

cc: All Parties of Record (via e-mail)  
David Butler, Esquire (via e-mail)